

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte RICHARD T. SKIFFINGTON and ELIEZER ZOMER

Application 10/014,154

MAILED

DEC 07 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on November 26, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF

Appellants filed an Appeal Brief on October 12, 2006, under the rules set forth in 37 CFR § 41.37(c). However, a review of the Appeal Brief reveals that it is not in compliance with 37 CFR § 41.37(c), which states:

(c)(1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section.

A review of the Appellants' Appeal Brief reveals that the following does not comply with 37 CFR § 41.37(c):

37 CFR § 41.37(c)(1)(vii), which is identified in the new rules as:

(vii) ***Claims appendix.*** An appendix containing a copy of the **claims involved in the appeal.**

Section 37 CFR § 41.37(c) further states:

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

An entire new Brief need not, and should not, be filed. Rather, a paper providing **clean copy of the claims involved in the appeal** will be suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal.

See MPEP § 1215.04 and §711.02(b).

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) submit a PTOL-90 with contains a clean copy of the claims involved in the appeal under the Claims appendix section, paragraph (9); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES


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